

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

KATE WEISSMAN,

Plaintiff,

v.

UNITED HEALTHCARE INSURANCE
COMPANY, UNITED HEALTHCARE
SERVICE, LLC, AND INTERPUBLIC
GROUP OF COMPANIES, INC., CHOICE
PLUS PLAN,

Defendants.

CIVIL ACTION NO.:
1:19-cv-10580-ADB

**DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT
PURSUANT TO FED. R. CIV. P. 12(b)(6)**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendants UnitedHealthcare Insurance Company and United Healthcare Service, LLC (“UnitedHealthcare”), and Defendant Interpublic Group of Companies, Inc. Choice Plus Plan (“IPG Plan”), (collectively, “Defendants”), move to dismiss Plaintiff’s Complaint for failure to state a claim upon which relief may be granted.

For the reasons stated in the accompanying memorandum of law submitted herewith, Defendants respectfully request that the Court dismiss Plaintiff’s Complaint.

Request For Oral Argument

Pursuant to Local Rule 7.1(d), Defendants hereby respectfully request that the Court hear oral argument on this Motion.

Respectfully submitted,
UNITEDHEALTHCARE INSURANCE
COMPANY, UNITED HEALTHCARE SERVICE,
LLC, AND INTERPUBLIC GROUP OF
COMPANIES, INC. CHOICE PLUS PLAN,
Defendants,
By Their Attorney,

/s/ Justin P. O'Brien
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Dated: August 13, 2019

Local Rule 7.1 Certification

I certify that counsel for Defendants have conferred with counsel for Plaintiff, who opposes to this motion.

/s/ Justin P. O'Brien
Justin P. O'Brien

Dated: August 13, 2019

Certificate of Service

I certify that on August 13, 2019, a copy of this document was electronically filed through the ECF system and will be sent electronically to all persons identified in the Notice of Electronic Filing, and that paper copies will be sent to those indicated as non-registered participants.

/s/ Justin P. O'Brien

Justin P. O'Brien

Dated: August 13, 2019